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10 Attorney for RANDELL PARKER
11 Chapter 7 Trustee

11 In the Matter of) Case No. 10-16367-A-7
12)
13) Chapter 7
14 SUPERKART RACING, LLC, a)
15 California limited)
16 liability company,) TGM-1
17)
18 Debtor.) Date: September 21, 2010
19) Time: 1:30 p.m.
20) Dept. A, 1300 18TH St.,
21) Bakersfield
22) The Honorable Whitney Rimel

18 TRUSTEE'S MOTION FOR ORDER AUTHORIZING TRUSTEE TO SELL PERSONAL
PROPERTY AT PUBLIC AUCTION

20 RANDELL PARKER, CHAPTER 7 TRUSTEE, in support of his Motion for
21 Order Authorizing Trustee to Sell Personal Property at Public
22 Auction represents as follows:

23 1. Randell Parker ("Trustee"), is the duly qualified,
24 appointed, and acting trustee in the Chapter 7 case filed by
25 SUPERKART RACING, LLC, a California limited liability company
26 ("Debtor"). Debtor filed for relief under Chapter 7 of the
27 Bankruptcy Code on June 7, 2010.

28 2. Debtor is a limited liability company that was engaged in

1 the business of go kart racing.

2 3. The Trustee has inspected the business and conducted a
3 visual inventory of the Personal Property. A categorization of the
4 Personal Property to be sold at auction is attached as **Exhibit A** to
5 the Declaration of Randell Parker in Support of Trustee's Motion to
6 Sell Personal Property at Public Auction filed concurrently herewith
7 ("Personal Property").

8 4. The Trustee seeks authorization from the Bankruptcy Court
9 to sell the Personal Property at public auction on or about October
10 23, 2010 at 10:00 a.m. This is a core matter under 28 U.S.C. §
11 157(b) (2) (A) and (N). The Trustee believes that selling the
12 Personal Property at public auction will yield the best price
13 obtainable for the Personal Property under the circumstances of the
14 Chapter 7 case filed by Debtor.

15 5. The personal property is currently located at the auction
16 site, 1731 Art Street, Bakersfield, California.

17 6. Trustee is informed and believes that there are no liens
18 on the Personal Property. However, if it is later determined that
19 there are liens, those items subject to liens will be sold at
20 auction only if the auctioneer is able to obtain a bid sufficient to
21 satisfy the lien against the item and cover the cost of sale, or by
22 agreement with the lien holders.

23 7. Some of the liened items may be sold for less than the
24 lien amount if the lien holder consents to the items being sold at
25 auction, with the lien holder accepting as payment in full the net
26 proceeds of the sale, minus a commission to the auctioneer, and
27 compensation to the estate. The Trustee believes such an
28 arrangement would be beneficial to the estate because an auction

1 including the Personal Property subject to liens will draw more and
2 higher quality bidders than an auction without that equipment.

3 8. The Trustee believes that the sale of the Personal
4 Property at public auction is in the best interests of the estate
5 and its creditors because a sale by public auction would be the most
6 efficient and economical way to sell the Personal Property, and it
7 would be difficult, costly and time consuming administratively to
8 attempt to sell the Personal Property on a piece by piece basis.
9 Selling at public auction allows the Trustee to generate one lump
10 sum in a short period of time. Trustee anticipates that the auction
11 sale will yield in excess of \$7,000.00 to the estate.

12 9. In order to expedite the sale of the personal Property,
13 the Trustee entered into an agreement with Jerry Gould of Gould
14 Auction and Appraisal Company, to advertise and manage the auction
15 ("Auctioneer"). According to the agreement between the Trustee and
16 Auctioneer, the fees for professional services rendered by
17 Auctioneer will not exceed 15% (fifteen percent) of the gross
18 proceeds of the auction, but the Auctioneer may be reimbursed for up
19 to \$500.00 in extraordinary expenses as well as a \$100.00 pick up
20 fee for each vehicle. He has already replaced the tires on the
21 trailer to increase the sales price.

22 10. The details of the compensation to the Auctioneer will be
23 subject to the terms and conditions set forth in the Application for
24 Order Authorizing Employment of Auctioneer to Conduct Public Auction
25 which will be filed shortly.

26 WHEREFORE, Trustee prays as follows:

27 1. That Trustee's Motion for authority to Sell Personal
28 Property at Public be granted;

1 2. That the Trustee be authorized to sell at public auction
2 the Personal Property described on **Exhibit A** attached to the
3 Declaration of Randell Parker in support of this Motion filed
4 concurrently herewith on or about October 23, 2010, with the auction
5 to be held at 1731 Art Street, Bakersfield, California at 10:00
6 a.m.;

7 3. That the Trustee be authorized to pay Gould Auction from
8 the proceeds received from the auction sale his commission of 15%
9 and up to \$500.00 in expenses and \$100.00 for each vehicle pick up
10 without further court order;

11 4. That subject to the consent of the lien holders, if any,
12 and on terms that may be agreed, he be authorized to pay lien
13 holders from the net proceeds of the sale of the Personal Property
14 subject to a lien if the net proceeds fall short of paying the lien
15 in full; to the extent that the price obtained at auction nets funds
16 in excess of the lien and costs of sale, that the excess balance
17 will be retained by the Trustee; and

18 5. For such other and further relief as the Court deems to be
19 just and proper.

20 Dated: August 30, 2010

/s/ TRUDI G. MANFREDO
TRUDI G. MANFREDO
Attorney for Trustee